



CITY OF AUBURN

Planning & Development Department
Auburn City Hall Annex, 2nd Floor
1 East Main Street
Auburn, Washington 98001-4998
Tel: 253.931.3090
Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

VARIANCE APPLICATION PACKET

VARIANCE APPLICATION – INTRODUCTION

(TYPE III)

What does Type III refer to?

Type III refers to quasi-judicial land use decisions made by the City of Auburn Hearing Examiner following a public hearing at which interested citizens can participate by giving written or verbal comments on a proposed project or issue.

Hearing Examiner decisions can be appealed to the Superior Court of the county within which the property lies.

What is a variance?

A variance is an exception to a standard in City code, which if granted, allows an applicant to build or develop a project that could not otherwise be legally built.

Per ACC 18.70.010, variances cannot be requested for changes in land use, increases in density, or changes to previous conditions established by a surface mining permit, administrative use permit, conditional use permit, or contract rezone.

What is the review process like for Variance applications?

Once a variance application is deemed complete, City staff will conduct review of the application and recommend a decision to the Hearing Examiner. The Hearing Examiner will designate a time and place for the public hearing and notice will be given not less than 10 days prior to the hearing. A decision to approve, approve with conditions, or deny the variance application will be made upon conclusion of the public hearing.

What are the criteria against which the proposed Variance will be reviewed?

Per ACC 18.70.010, in reviewing applications for variances, the Hearing Examiner will consider:

1. That there are unique physical conditions including narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying with provisions of the zoning code;
2. That because of such physical conditions, the development of the lot in strict conformity with the zoning code will not allow a reasonable and harmonious use of such lot;
3. That the variance, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located;
4. That the special circumstances and conditions associated with the variance are not a result of the actions of the applicant or previous owners;
5. Literal interpretation of the provisions within the zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;
6. The approval of the variance will be consistent with the purpose of the zoning code and the zoning district in which the property is located; and
7. The authorization of such variance will not adversely affect the Comprehensive Plan.

VARIANCE APPLICATION – INTRODUCTION [CONTINUED]

What is SEPA and when is it applicable?

Variance applications may be subject to compliance with the Washington State Environmental Policy Act (SEPA) based on the presence of environmentally critical areas; projects that exceed specific thresholds (e.g. grading, number of dwelling units, timber removal, size of building); projects that require licensing for air emissions or discharges to water; or other factors. WAC 197-11-800 provides the specific thresholds which determine whether SEPA is required. If subject to SEPA, an environmental checklist application must be submitted with the application. After the Notice of Application comment period expires, the Planning Director – who is the City's SEPA Responsible Official - issues a SEPA threshold determination (TD), or other SEPA decision as provided in ACC 16.06, RCW 43.21 and WAC 197-11. The SEPA decision is final unless the TD is appealed or the City revises the TD based on further comments during the appeal period.

If the SEPA Responsible Official issues a Determination of Significance (DS) because of probable significant impacts by the proposal, an Environmental Impact Statement (EIS) will be required before the City makes any decision on this application.

How long before I am notified if my application is complete?

At the time you submit an application, you must submit all of the written and graphic information listed in this application under "Special Home Occupation Application Submittal Checklist": Within 28 calendar days of receiving your application, City staff will determine if the application is complete based on the attached checklist. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

How long before I know if the Variance has been approved (with or without conditions) or denied?

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless an applicant agrees to extend the processing of his/her application longer than 120 days.

How long are variances valid for?

Authorized variances expire one year (unless specified otherwise in the variance) after variance issuance if no building permit, occupancy permit, or business registration has been issued in accordance with the plans for which such variance was authorized.

PLEASE NOTE: Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.



CITY OF AUBURN

Planning & Development Department
Auburn City Hall Annex, 2nd Floor
1 East Main Street
Auburn, Washington 98001-4998
Tel: 253.931.3090
Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

VARIANCE APPLICATION

VARIANCE – SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS AND PLANS & GRAPHICS.

- ☐ Provide electronic files of all submitted written materials and plans and graphics for use by the City of Auburn during the development review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Documents totaling less than 20 MBs may be attached to the email submittal to applications@auburnwa.gov. If total file size is more than 20 MBs then email only the application form to applications@auburnwa.gov and you will be provided with a Dropbox link to upload all of the documents. Please allow until the end of the following business day for a Permit Technician to contact you with further instructions and to arrange payment and complete the intake process.

PDF REQUIREMENTS.

- ☐ All documents shall be submitted in *unsecured* and *flattened* PDF format. Each document shall be separate PDF documents and clearly named by document title (common acronyms are OK, e.g. *SSP* – Stormwater Site Plan/Report, *Geotech* – Geotechnical Report, *TIA* – Traffic Impact Analysis/Study/Memo, *CAR* – Critical Areas Report).
Example: Smith Building – Prelim SSP.pdf

WRITTEN MATERIALS

- ☐ A. **APPLICATION FORM** Provide a completed Master Land Use Application Form (s) **19**
- ☐ B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained within this application packet inclusive of all required signatures.
- ☐ C. **WRITTEN STATEMENT** addressing:
- ☐ In detail, a description of your request for a variance; and
 - ☐ Why the variance should be issued, relating to approval criteria listed on pgs. 1-2 of this application packet.

PLANS & GRAPHICS

- ☐ A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) on paper no larger than **24x36"**, at **1"=100'** or larger (**1"=50' preferred**). An index sheet of the same size is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.

- ☐ **B. SITE PLAN DRAWING – GRAPHIC REPRESENTATION** The following graphic features shall be shown on the drawing:
- ☐ 1. North arrow, numeric/graphic scale, and date plan was prepared;
 - ☐ 2. Boundaries and dimensions of the property;
 - ☐ 3. Adjacent public streets;
 - ☐ 4. Easements, existing and proposed;
 - ☐ 5. Location and size of all existing and proposed utilities;
 - ☐ 6. Location of building requiring variance, including setbacks;
 - ☐ 7. Location of all other buildings, including setbacks;
 - ☐ 8. Location and layout of off-street parking;
 - ☐ 9. Location and height of fences;
 - ☐ 10. Location and size of signs, if applicable;
 - ☐ 11. Height of structures;
 - ☐ 12. Points of access, interior streets, and driveways, existing and proposed;
 - ☐ 13. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths, if applicable;
 - ☐ 14. Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.
- ☐ **C. VICINITY MAP** A vicinity map sufficient to define the property location and boundaries.